

Government Committee

Senator Jack Harper, Chairman



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GOVERNMENT COMMITTEE

LEGISLATION ENACTED

ADOT records; domestic violence victims (NOW: public records; confidentiality) (S.B. 1006) – Chapter 141

SEE TRANSPORTATION COMMITTEE.

marriage licenses; local court clerks (S.B. 1056) – Chapter 26

Expands the authority of the city or town court clerk to include the issuance of marriage licenses, if the municipality or town is more than four miles from the county seat.

homeowners' associations; for sale signs (S.B. 1062) – Chapter 228

Authorizes a unit owner or homeowners' association member to display an indoor or outdoor "for sale" sign, including a "for sale by owner" sign, as well as a sign rider, on that person's property. Specifies that a "for sale" sign and sign rider must conform to industry standards, not to exceed 18 by 24 inches or 6 by 24 inches, respectively.

county planning and zoning commissions (S.B. 1082) – Chapter 30

Allows for the appointment of an alternate planning and zoning commission member to serve in the absence of the regularly appointed commission member in counties with a population of less than 179,000. Requires an alternate member to conclude any action on an agenda item under consideration, if the regularly appointed member becomes available during the course of a meeting.

Eliminates the options that allow: 1) supervisorial districts that contain over 60 percent of an incorporated area to appoint to the county planning and zoning commission both members who are residents of the incorporated area; and 2) supervisorial districts containing less than 60 percent of an incorporated area to appoint at least one member who is a resident of the unincorporated area.

Requires planning and zoning commission members of counties with five supervisorial districts to be residents of the supervisorial district from which they are appointed.

constable ethics standards and training (S.B. 1085) – Chapter 143

Replaces the Constable Ethics Committee (Committee) with the Constable Ethics Standards and Training Board (Board) and the Constable Ethics Committee Fund with the Constable Ethics Standards and Training Fund. Transfers authorities, duties and monies of the Committee to the Board. Requires constables to attend training under the Board, upon approval of the Arizona Peace Officer Standards and Training Board. Alters the calculation for certified mileage reimbursement to constables in Maricopa County and specifies logistical rules of the Board.

monuments; memorials; governmental mall (S.B. 1114) – Chapter 250

Beginning June 20, 2007, requires the Legislative Governmental Mall Commission (Commission), in consultation with the Arizona Department of Administration, to set the minimum dollar amount proponents of a proposed memorial must deposit in the newly established State

GOVERNMENT COMMITTEE (Cont'd.)

Monument and Memorial Repair Fund (Fund) and to approve any statement, declaration, writing or inscription that will appear on a monument or memorial (monument).

Specifies that the proponents of a monument are responsible for any costs incurred in correcting any deviations from the approved monument design and stipulates that the proponents must provide monies in an amount equal to at least ten percent of the design and construction cost of the monument for deposit in the Fund prior to the beginning of the construction.

Requires the Commission's approval prior to any alteration or modification of an existing monument. Approved alterations or modifications must be completed within two years of approval.

county recorders; social security numbers (S.B. 1169) – Chapter 284

Requires county recorders from counties with populations of over 800,000 persons to redact references to complete nine-digit social security numbers that are or will be available on the county's website. Requires county recorders from counties with populations of less than 800,000 persons to redact references to complete nine-digit social security numbers that are or will be available on the county's website at the request of the holder of the social security number. Allows all county recorders to retain complete social security numbers that are not available on the county's website.

Prohibits the Department of Revenue from printing a taxpayer's complete social security number on any taxpayer refund check, voucher or other credit documentation.

county powers; open fires (S.B. 1198) – Chapter 52

SEE NATURAL RESOURCES & RURAL AFFAIRS COMMITTEE.

~~records redaction; officials; officers~~ (NOW: special plates; initial dates; elimination) (S.B. 1223) – Chapter 251

Removes expired dates in statute regarding the initial establishment of various special license plates. Specifies that the nonprofit corporation that provided the \$32,000 for implementation of the golden rule special license plate will design the golden rule special license plate.

~~homestead exemptions; judgments; child support~~ (NOW: support; maintenance; homestead exemption) (S.B. 1247) – Chapter 194

SEE PUBLIC SAFETY & HUMAN SERVICES COMMITTEE.

~~homeowners' associations; commercial signs~~ (NOW: real property; signage; solar devices) (S.B. 1254) – Chapter 288

Prohibits homeowners' associations (HOAs) from revoking or modifying the approval of commercial signs previously approved by the HOA and stipulates that an HOA may not prohibit the use or installation of a solar energy device.

emergency; confiscation of weapons; prohibition (S.B. 1258) – Chapter 101

Prohibits the Governor, Adjutant General or any other official from placing additional restrictions on the lawful possession, transfer, sale, transportation, carrying, storage, display or use of

GOVERNMENT COMMITTEE (Cont'd.)

firearms or ammunition or components thereof during a state of emergency. Allows the Governor, Adjutant General or other official to order the reasonable movement of stores of ammunition out of the way of dangerous conditions.

nursing homes; fingerprinting (NOW: DEMA employees; nursing homes; fingerprinting) (S.B. 1316) – Chapter 196

SEE HEALTH COMMITTEE.

recorded liens; invalid documents (S.B. 1328) – Chapter 220

Prohibits, with certain exceptions, the county recorder from recording nonconsensual liens unless the lien is accompanied by the debtor's notarized signature acknowledging the filing and recording of the lien.

Arizona statehood centennial commission (NOW: Arizona centennial 2012; commission responsibilities) (S.B. 1433) – Chapter 169

Requires the Arizona Historical Advisory Commission (Commission) to create centennial medallions and issue medals, seals, license plates and certificates of recognition. Increases the maximum potential membership of the Commission to 25 members and adds the Director of the Office of Tourism and the Superintendent of Public Instruction or their respective designees. Caps the price of the medallions at ten percent of the manufacturing costs and exempts the medallions from state and local taxes until the repeal date of the Commission or August 31, 2014. Requires the Department of Weights and Measures to certify the weight and purity of the coins.

performance based incentives program (S.B. 1444) – Chapter 170

Increases the maximum monthly compensation for participants in the Performance Based Incentives Program from \$250 to \$275.

county assessors; procedures (S.B. 1553) – Chapter 104

Modifies the appeals process for the valuation of agricultural land and restricts a government entity from assessing split parcels of land at a higher valuation if the county assessor assessed midway through the year. Requires the county assessor to notify the owner of agricultural land of the reason for disapproval of an appeal within 120 days and applies existing statutory procedures for lands assessed the following valuation year.

notaries; citizenship requirement (S.B. 1639) – Chapter 177

Requires a notary public to be a citizen or a legal permanent resident of the United States.

governor's regulatory review council; continuation (H.B. 2034) – Chapter 85

Retroactive to July 1, 2007, continues the Governor's Regulatory Review Council until June 30, 2017.

GOVERNMENT COMMITTEE (Cont'd.)

reviser's technical corrections; 2007 (H.B. 2035) – Chapter 222

Makes technical corrections to the Arizona Revised Statutes for the 2007 edition.

~~forfeiture of office; technical correction~~ (NOW: construction contract bids; civil penalty) (H.B. 2065) – Chapter 40

Temporarily increases the civil penalties for agents who knowingly violate current statute relating to the bidding of contracts, until July 1, 2009.

Establishes a county and city construction contract bid study process to be used if representatives of a statewide association of contractors, a statewide association of cities and towns and a statewide association of county supervisors agree to work together to study city and county compliance with state laws. Allows the representatives to make recommendations for legislation for introduction in 2008.

~~county officers; technical correction~~ (NOW: county omnibus) (H.B. 2102) – Chapter 268

Allows a county board of supervisors to fix the amount of license fees to be paid by entities for carrying on any game or amusement business in unincorporated areas of the county and to prescribe methods for collection and payment of fees and penalties.

Increases county officers' pay in counties having a population of 500 persons or more.

Defines "trusted submitter" as a person or entity that has entered into a memorandum of understanding regarding digitized recording with a county recorder.

state treasurer; duties (H.B. 2127) – Chapter 10

Requires the State Treasurer to validate and provide, to each agency depositing money, a confirmation that includes the date of the deposit, a unique identifying number, the amount of each deposit and the name of the depositing agency.

Eliminates the requirement that the Treasurer provide duplicate, chronologically ordered receipts that show the source of the money accrued and the funds into which the money will be deposited.

~~open meetings; minutes; redacted information~~ (NOW: open meetings; minutes; recordings) (H.B. 2208) – Chapter 71

Requires all public body subcommittees and advisory committees to take written minutes or record all of their meetings. Requires a subcommittee or advisory committee of a city or town with a population of more than 2,500 persons to post on its website, if applicable, within ten working days of the meeting either a statement describing legal action or a recording of the meeting. Requires public bodies with a population of more than 2,500, except subcommittees and advisory committees, to post on their website, if applicable, a statement describing the legal actions taken during the meeting or the recording of the meeting within three working days.

GOVERNMENT COMMITTEE (Cont'd.)

homeowners' associations; telecommunications vehicles (H.B. 2254) – Chapter 74

Requires a homeowners' association to allow a resident who is on call and employed by a licensed telecommunications operator to park a company vehicle on a street or driveway in a planned community if the vehicle has a gross weight of 20,000 pounds or less and bears an official emblem or other visible designations of the telecommunications operator.

county graffiti abatement (H.B. 2328) – Chapter 273

Allows a county board of supervisors to adopt and enforce ordinances for the prevention, abatement and removal of graffiti and restricts the retail display of graffiti tools to areas physically and electronically monitored by retail employees.

weights and measures; seized property (H.B. 2390) – Chapter 17

Allows the Department of Weights and Measures to destroy weights, measures or seized devices 180 days after final disposition of an investigation or any ensuing enforcement action or to transfer such items to the Arizona Department of Administration for disposition as state surplus property.

~~licensing eligibility; lawful presence; verification~~ (NOW: public programs; eligibility) (H.B. 2467) – Chapter 275

SEE APPROPRIATIONS COMMITTEE.

~~county improvement districts; roads~~ (NOW: county road districts; alternate government) (H.B. 2486) – Chapter 254

Upon submission of a petition, allows a county board of supervisors to establish a road improvement and maintenance district (road district) to be governed by an elected board of directors (elected board) consisting of at least three people initially appointed by the board of supervisors. Elected board members serve staggered four-year terms.

Prescribes the method for filling a vacancy on the elected board, specifies elected board member compensation and allows the board of supervisors to revoke the authority of an elected board if it lacks a quorum for more than 30 days.

Authorizes the elected board to: 1) create, maintain and improve roads and related infrastructure; 2) acquire, own, control or manage real or personal property necessary or convenient for the construction, operation and maintenance of improvements; 3) sell improvement bonds to the federal government or any of its agencies or departments; and 4) enter into contracts with state and federal entities for the construction or supervision of construction by the state or federal entity, reserving the right of the road district to assess against the property benefited by the improvement the portion of the cost not qualified for aid under a state or federal grant.

Requires petitions for alterations of, and additions to, the road district to be published in a newspaper within the district. All actions related to a proposed boundary change are the responsibility of the elected board and costs for boundary changes may be charged to the petitioners.

GOVERNMENT COMMITTEE (Cont'd.)

Authorizes the board of supervisors to review and comment on, but denies veto authority over, financial transactions of an elected board of a road district and allows the board of supervisors to revoke the authority of an elected board in order to protect the residents of the road district.

Outlines the methods through which a county improvement district may convert to a road district. Provides for the transfer of all assets, liabilities, rights, privileges and powers from the former county improvement district to the road district. Affirms that a person is not relieved of any responsibility to a county improvement district because of its conversion.

Requires roads in a road district to be built to a construction and design standard that costs at least 20 percent of the likely cost of a similar road built to existing county standards, determined by the county engineer, and allows the county to require any roads constructed or improved by a road district to provide an easement for county emergency and service vehicles.

special district amendments (H.B. 2489) – Chapter 216

Makes numerous standardizing changes to special taxing districts, including:

County Improvement Districts – Changes the petitioning requirements to request an addition or alteration of a district to conform to the process for domestic water and wastewater improvement districts. Allows domestic water districts and wastewater districts to set fees, establish liens and bring action to foreclose a lien in superior court.

Pest Abatement Districts – Replaces current petitioning requirements to form a pest abatement district with the petitioning requirements for county improvement districts. Updates information required on the impact statement for the eradication of pests, and eliminates the requirement for the owners of agricultural land to show that they are subject to ongoing pest control, unless the agricultural owners incorporate themselves into the district.

Theme Park and Vehicle Support Facility Districts – Adds members and changes membership requirements for the board of directors. Conditionally repeals the issuance of bonds on December 31, 2013, rather than 2008.

homeowners' associations; cautionary signs (H.B. 2503) – Chapter 82

Disallows a homeowners' association (HOA) from prohibiting cautionary signs pertaining to children if the signs are: 1) used and displayed in residential areas only; 2) removed within one hour of children ceasing to play; 3) only displayed when children are within 50 feet of the cautionary sign; 4) no taller than three feet in height; and 5) professionally manufactured or produced. Specifies that an HOA cannot prohibit children who reside in a planned community from engaging in recreational activities on a residential road under the jurisdiction of the HOA, provided the posted speed limit is 25 miles per hour or less.

state ombudsman; access to records (H.B. 2563) – Chapter 92

Disallows the Ombudsman-Citizens' Aide to access documents protected by the Critical Infrastructure Information Act of 2002 or by 49 Code of Federal Regulations Part 1520 and information classified or defined as critical infrastructure information by the federal government or by state law.

GOVERNMENT COMMITTEE (Cont'd.)

electrical districts; elections and electors (H.B. 2604) – Chapter 108

Lists the qualifications of voters and electors in electrical districts. Also, allows an electrical district to adopt an acreage system of voting, as follows: 1) outlines the process for petitioning that an acreage voting system be adopted; 2) describes how acreage voting must subsequently be conducted once adopted; and 3) conforms current election and qualifications of the district board of directors to the qualifications prescribed in the definition of acreage voting.

improvement districts; surplus funds (H.B. 2636) – Chapter 130

Allows the county treasurer to request, upon dissolution of a county improvement district and on the passage of two years with no activity, that the board of supervisors transfer all or part of any money remaining in any special or general fund of the district to the county general fund for the purposes for which it was collected, if required, or for appropriation for the health, safety and welfare of the general public.

local energy plans (H.B. 2638) – Chapter 236

Requires cities with populations exceeding 50,000 persons and counties with populations exceeding 125,000 persons to include an energy element in their long-range plans that identify: 1) policies that encourage and provide incentives for efficient energy use and 2) policies and practices that provide for greater use of renewable energy in their long-range plans.

justices of the peace; funding (H.B. 2758) – Chapter 237

Requires a county with a population of more than 1.5 million to pay 100 percent of the compensation and employee-related expenditures for a justice of the peace (JP) and reduces the county's contribution for the Arizona Health Care Cost Containment System (AHCCCS) by the amount of the state reimbursement that the county would have received beginning in FY 2007-2008 for JP salaries. It appropriates \$892,400 from the state General Fund in FY 2007-2008 to AHCCCS to offset the reduction. Eliminates the State Treasurer's requirement to deposit state shared revenues otherwise owed to a county but withheld, due to the county's failure to pay its required portion of contributions for the hospitalization and medical care of the indigent sick into the AHCCCS Fund.

Requires the Economic Estimates Commission to increase the county's base expenditure limit in an amount equal to the difference between the total costs that the county paid and the amount the county would have paid prior to the passage of this act and prioritizes county contribution reductions in the following order: 1) as applied for contributions to AHCCCS for administrative costs and 2) as applied to contributions for AHCCCS where the board of supervisors is required to include in its annual budget an amount equal to 50 percent of the amount budgeted by the board or the amount expended, whichever is less, for the hospitalization and medical care of the indigent sick or any other contribution for acute care.

Specifies that JP courts have original jurisdiction over civil traffic offenses unless the offense is filed in a municipal court by a municipal officer, agent or law enforcement officer under contract to that municipality.

GOVERNMENT COMMITTEE (Cont'd.)

national guard; civil liability (H.B. 2765) – Chapter 18

Entitles a member of the National Guard to the same immunity protection given to public employees and law enforcement personnel for acts that occur within the scope of duties of the National Guard and that are performed under a direct order from a commanding officer.

Arizona centennial (H.C.M. 2006)

Requests that the elected officials of cities, towns, counties and Indian tribes in the State of Arizona appoint a centennial committee responsible for identifying and developing legacy projects to commemorate Arizona's centennial.

telecommunications; Native Americans (H.C.M. 2007)

Requests the United States Congress to recognize the rights of tribal governments and communities to exercise regulatory jurisdiction over telecommunications services on tribal lands.

national guard; border defense (H.C.M. 2012)

Requests that the rules of engagement for National Guard troops on the Mexican border be changed to allow soldiers to defend against, engage, pursue and apprehend those entering the United States illegally. Also requests that the National Guard be given a primary enforcement role until the Border Patrol receives its full complement of officers as approved by Congress.

military bases; expressing support (H.C.R. 2041)

Expresses support for enhancing the mission capabilities of Arizona's military facilities and reaffirms the state's commitment to the United States Department of Defense to effectively manage community development and maintain compatible uses to protect the current and future missions of Arizona's military facilities. Reaffirms the Legislature's continued and unqualified support for basing the Joint Strike Fighter Program in Arizona.

LEGISLATION VETOED

homeland security force (S.B. 1132) – VETOED

Creates a Homeland Security Committee (Committee). Requires the Committee to make recommendations regarding the membership and organization of the Homeland Security Force (Force). Establishes the Force to respond to an emergency or to protect lives or property in this state, at the request of the Governor. Defines persons eligible to volunteer for the Force. Appropriates \$10,000 from the state General Fund in FY 2007-2008 to the Governor for administration of the Force.

The Governor indicates in her veto message that S.B. 1132 is redundant because statute already allows for an unorganized militia, and the Governor already has the specific statutory authority to call the unorganized militia into service during times of emergency.

GOVERNMENT COMMITTEE (Cont'd.)

~~criminal justice commission; membership~~ (NOW: homestead exemption; sign display; solar)
(S.B. 1330) – VETOED

SEE JUDICIARY COMMITTEE.

~~county emergency services; permit moratorium~~ (NOW: temporary signage; preemption; abatement)
(H.B. 2369) – VETOED

Defines “sign walkers” and requires municipalities to establish regulations or ordinances that permit the posting, display or use of sign walkers. Requires municipalities to establish a fee, not to exceed \$25, for a 30-day permit that is valid for up to ten sign walkers. Makes it a petty offense, punishable by a fine not to exceed \$150 per sign walker, for violation of the regulations or ordinances. Establishes a Beautification Enhancement Naturalization Fund in all municipalities, and specifies how the monies are to be used. Voids any existing municipal ordinance, rule or regulation that is in violation of the provisions of this bill.

The Governor indicates in her veto message that H.B. 2369 would force municipalities to have regulations allowing sign walkers and would control the fee that municipalities could impose on sign walker permits. The Governor also indicates that the bill is overly broad.